# FORM 10 APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY EXPERT CONSULTANT OR WITNESS

# United States Court of Federal Claims

	)
Amazon Web Services	)
	) No. 1:19-cv-01796-PEC
Plaintiff,	)
	) Judge Campbell-Smith
V.	)
	)
THE UNITED STATES,	)
	)
Defendant.	)

# APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER BY EXPERT CONSULTANT OR WITNESS

- 1. I, the undersigned, am a Consultant with Berkeley Research Group and hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.
- 2. I have been retained by Microsoft Corp. / Rogers Joseph O'Donnell PC and will, under the direction and control of Robert Metzger , assist in the representation of Microsoft Corp in this proceeding.
- 3. I hereby certify that I am not involved in competitive decision making as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.
- 4. My professional relationship with the party for whom I am retained in this proceeding and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.
  - 5. I have attached the following information:
    - a. a current resume describing my education and employment experience to date;
    - b. a list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;
    - c. a statement of the services I am expected to perform in connection with this proceeding;

- d. a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected information will be reviewed; if none, I have so stated;
- e. a list identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal; if none, I have so stated; and
- f. a list of the professional associations to which I belong, including my identification
- 6. I have read a copy of the Protective Order issued by the court in this proceeding. I will comply in all respects with all terms and conditions of that order in handling any protected information produced in connection with the proceeding. I will not disclose any protected information to any individual who has not been admitted under the Protective Order by the court.
- 7. For a period of two years after the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government for enterprise infrastructure cloud when I know or have reason to know that any party to this proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.
- 8. For a period of two years after the date this application is granted, I will not engage or assist in the preparation of a proposal or submission to Washington Headquarters Services nor will I have any personal involvement in any such activity.
- 9. I acknowledge that a violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

\* \* \*

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.

Ethan Presley	January 16, 2019
Signature Ethan Presley, Consultant	Date Executed
Typed Name and Title 202-507-7932	
Telephone Number epresley@thinkbrg.com	
E-mail Address	
Relat S Melegranian Signature of Attorney of Record	January 16, 2019 Date Executed
Robert S. Metzger	
Typed Name and Title	
202-777-8951	
Telephone Number	
rmetzger@rjo.com	
E-mail Address	

Attachment A

#### Curriculum Vitae

Ethan Presley Associate

BERKELEY RESEARCH GROUP, LLC
1800 M Street, N.W.
Suite 200
Washington, D.C. 20036
Direct: (202) 507-7932
epresley@thinkbrg.com

#### **EDUCATION**

Bachelor of Business Administration, Finance & Accounting, The College of William & Mary, Honors

#### PRESENT EMPLOYMENT

Mr. Presley is an Associate at Berkeley Research Group, with a background in finance and accounting related matters. Mr. Presley has most recently specialized in disputes consulting for both the public and private sectors with prior experience in corporate finance and small-cap private equity roles,

Past projects for Mr. Presley include SEC focused forensic accounting investigations, class action lawsuit support in opposition to large corporate entities, corporate monitorship/ audit support following bribery allegations targeted at foreign officials, key metrics evaluation for financial statement filings, as well as damages valuations for use in settlement agreements and conflict resolution.

#### PREVIOUS EMPLOYMENT

Ankura, Global Disputes & Economics Associate Long Point Capital, Private Equity Analyst IBM, Financial Analyst

Attachment B

### ATTACHMENT B - CLIENT LIST FOR PREVIOUS 2 YEARS

Client Name	Scope of Work
Odebrecht S.A.	Government Audit Support, Compliance Assessment,
	Transaction Testing
Robbins Geller Rudman & Dowd LLP	Dispute Resolution Support, Damages Valuation, Trial
	Support
Weil Gotshal	Loan Impairment, Fault Analysis

#### ATTACHMENT C – SERVICES TO BE PERFORMED

I have been retained to assist outside counsel for **Microsoft Corporation** with respect to this proceeding. Assistance is expected to include the following:

- Review and analysis of proposal and evaluation materials and other documents related to the contract;
- Provide advice and conclusions to outside legal counsel in connection with proposal and evaluation issues related to price and cost.

We expect to review and provide counsel with analysis of the offerors' proposals and the government's evaluation of those proposals and its source selection decision.

Attachment D

#### ATTACHMENT D-FINANCIAL INTEREST

I, my spouse, and my family do not have any financial interest in any entity that is an interested party in this proceeding or whose protected information will be reviewed.

Attachment E

# ATTACHMENT E - PROTECTIVE ORDER LIST

None.

No protective order admissions denied, revoked, or violated.

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Attachment F

## ATTACHMENT F - PROFESSIONAL ASSOCIATIONS

None.